IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.8340 OF 2005

ALONG WITH

CRIMINAL APPLICATION NO.8341 OF 2005

Hemchand Fakirbhai Zhaveri ...Applicant

Versus

State of Maharashtra & Ors. ...Respondents

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Mr.K.H.Halai i/b Halai & Co. for Applicant.

Mr.Y.S.Shinde, A.P.P. for Respondent No.1.

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CORAM: A.M.KHANWILKAR, J.

DECEMBER 21, 2005.

P.C.

1. Not on Board. Upon mentioning, taken on Board.

2. Heard. The grounds raised before this Court can be effectively answered by the Revisional Court.

3. As alternative efficacious remedy is available to the Applicant by way of revision before the Sessions Court in view of the decisions of this Court in the cases of **V.K.Jain & Ors. vs. Pratap V.Padode reported in 2005(3) Mh.L.J. 778**, and in the unreported decision **in the case of Chetan R.Nagda & Ors. vs. N.D.Pawar & Anr. in Criminal Writ Petition No.1023 of 2005 dated 8th December 2005**, no interference is warranted.

4. Applications disposed of with liberty to take recourse to remedy of revision, if so advised. All questions are left open.

5. The Applicant to file such Revision Application within four weeks from today. Till such time, no precipitative action be taken against the Applicant. Revision Application, if filed within four weeks from today, be considered on its own merits in accordance with law.

6. In case, there is any delay in filing Revision Application, Court will take into account

the fact that the Applicant had first approached this Court, which period may be excused in computing delay.

7. Applications disposed of on the above terms.

A.M.KHANWILKAR, J.